

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NORTH JERSEY SURGERY CENTER a/s/o
ROSEANN DAWSON,

Plaintiffs,

v.

HORIZON BLUE CROSS BLUE SHIELD OF
NEW JERSEY; PAINTERS DISTRICT
COUNCIL NO. 711 WELFARE FUND; ABC
CORP. (1-10) (Said names being fictitious and
unknown entities).

Defendant(s).

CIVIL ACTION NO.: 12-cv-06787 (DMC)
(JAD)

**ANSWER TO CROSS CLAIM OF CO-DEFENDANT, INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES DISTRICT COUNCIL NO. 711 HEALTH &
WELFARE FUND ON BEHALF OF DEFENDANT, HORIZON BLUE CROSS BLUE
SHIELD OF NEW JERSEY**

Defendant Horizon Blue Cross Blue Shield of New Jersey (improperly pleaded as Horizon Blue Cross Blue Shield Insurance Company) ("Horizon") hereby answers the Cross-Claim of Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund as follows:

18-24. Horizon admits only that it was the claims administrator delegated to make initial claim determinations on behalf of the Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund, subject to the contractual provisions of an administrative service agreement between Horizon and Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund. Horizon denies the

remainder of the allegations under the cross-claim of the co-defendant and asserts all previously pled Affirmative Defenses.

Further, Horizon submits that co-defendant's cross-claims are contractually barred pursuant to the provisions of the administrative service agreement.

WHEREFORE, Horizon demands judgment in its favor and against Co-Defendant dismissing Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund's, Cross-Claim with prejudice and for an award of attorney's fees and costs.

CONNELL FOLEY LLP
85 Livingston Avenue
Roseland, New Jersey 07068
Attorneys for Defendant
Horizon Blue Cross Blue Shield
of New Jersey

BY: 

Christopher Abatemarco, Esquire

DATED: 3-4-14

CERTIFICATE OF SERVICE

I, Christopher Abatemarco, of full age, hereby certify that the within Answer to Cross-Claims has been electronically filed with the Clerk within the time and in the manner prescribed by the Rules of Civil Procedure and that a copy of the within pleading has been served this date, via email upon:

Andrew Bronsnick, Esq.
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Attorneys for Plaintiffs
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Attorneys for Defendant,
International Union of Painters and Allied Trades District Council No. 711
Health & Welfare Fund

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Christopher Abatemarco

DATE: 3-4-14